

Message Text

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10

ACTION NEA-09

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 SS-15 NSC-05 L-02

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FM USDEL RIYADH

TO SECSTATE WASHDC NIACT IMMEDIATE 08

C O N F I D E N T I A L RIYADH 19

DEPT PLEASE PASS SECRETARY'S PARTY

E.O. 11652: GDS

TAGS: USSAEC, EAID, SA, US

SUBJECT: TCA CAN BE SIGNED FEBRUARY 13

REF: A(STATE 31697; B) RIYADH 15

1. NO RPT NO SUBSTANTIVE CHANGES WERE SUGGESTED BY MINISTER ABA KHAIL. HE HAS AGREED TO PHRASING OF MUTUAL AGREED COSTS FORMULATION OF ARTICLE THREE. HIS FINAL READING OF TEXT, HOWEVER, HAS LED HIM TO REQUEST THE DROPPING OF TWO PHRASES WHICH HE CONSIDERS REDUNDANT. IN ARTICLE TWO, HE WISHED TO DROP THE LAST SIX WORDS "CONCERNING THE FURNISHING OF TECHNICAL ASSISTANCE" ON THE BASIS THAT THE PRECEDING FIVE WORDS "THE PROVISIONS OF THIS AGREEMENT" COVER THIS SUBJECT. ARTICLE TWO NOW READS "THE TWO GOVERNMENTS, INCONSULTATION, SHALL ADOPT MUTUALLY AGREEABLE ORGANIZATIONAL ARRANGEMENTS TO FACILITATE COOPERATIVE IMPLEMENTATION OF THIS AGREEMENT, AND EACH SIDE SHALL DESIGNATE

APPROPRIATE ADMINISTRATIVE ENTITIES TO DEAL WITH EACH OTHER IN FULFILLING THE PROVISIONS OF THIS AGREEMENT."

2. THE MINISTER AGREED TO INSERTING IN THE FIRST SENTENCE OF ARTICLE THREE A REFERENCE TO THE TWO GOVERNMENTS BUT FELT THAT MAKING REFERENCE TO CONFIDENTIAL

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REPRESENTATIVES OF THE TWO GOVERNMENTS WAS UNNECESSARY.

THE ARTICLE THREE NOW READS: "ACCORD MAY BE REACHED BETWEEN THE TWO GOVERNMENTS IN THE CONTEXT OF THIS AGREEMENT THAT THE UNITED STATES GOVERNMENT, IF SO REQUESTED BY THE GOVERNMENTS OF SAUDI ARABIA, WILL UNDERTAKE THE PREPARATION OF TECHNICAL OR ECONOMIC STUDIES OF SPECIFIC DEVELOPMENT PROJECTS AND PROVIDE TECHNICAL AND PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF THESE PROJECTS IN ACCORDANCE WITH MUTUALLY AGREED COST ESTIMATES AND THE PROVISIONS OF THIS AGREEMENT. SHOULD SUCH ACCORD BE REACHED, THE GOVERNMENT OF SAUDI ARABIA SHALL DEFRAY ANY AND ALL COSTS TO THE GOVERNMENT OF THE UNITED STATES ARISING FROM SUCH ACTIVITIES INCLUDING INDIRECT COSTS, PLANNING COSTS, AND THE COSTS OF PROJECT TERMINATION, AND EXEMPT THE UNITED STATES GOVERNMENT FROM ANY TAXES ON OWNERSHIP OR USE OF PROPERTY AND ANY CUSTOMS DUTIES, IMPORT AND EXPORT TAXES OR ANY OTHER TAXES OR SIMILAR CHARGES IN SAUDI ARABIA."

3. MINISTER POINTED OUT ANY ACCORD REACHED BETWEEN THE TWO GOVERNMENTS WOULD BE REACHED BY THE DESIGNATED REPRESENTATIVES---THE ADMINISTRATIVE ENTITIES---UNDER ARTICLE TWO.

4. THE SAUDI SIDE WISHES TO INSERT IN ARTICLE TEN A PROFORMA REQUIREMENT THAT THE AGREEMENT WOULD COME INTO EFFECT "AFTER BEING OFFICIALLY PROMULGATED." SAUDI LEGAL REQUIREMENTS MAKE IT NECESSARY FOR THE AGREEMENT TO BE APPROVED FORMALLY BY A ROYAL DECREE. THE FIRST SENTENCE OF ARTICLE TEN WILL NOW READ: "THIS AGREEMENT AFTER BEING OFFICIALLY PROMULGATED SHALL REMAIN IN EFFECT FOR FIVE YEARS FROM THE DATE OF SIGNATURE, SUBJECT TO REVISION OR EXTENSION, AS MUTUALLY AGREED, AND MAY BE TERMINATED AT ANY TIME BY EITHER GOVERNMENT BY ONE HUNDRED AND EIGHTY DAYS ADVANCE NOTICE IN WRITING."

5. WITH REFERENCE TO SIGNING AUTHORITY, IT IS NOW CLEAR THAT THE SAUDI SIDE IS WITHDRAWING SOMEWHAT FROM DESIRING A CONNECTION BETWEEN THE SIGNING AND THE VISIT OF SECRETARY KISSINGER. DR. SOLIM FELT THE PRINCE FAHD'S DEMURRING ON SIGNING THE AGREEMENT INDICATES CONFIDENTIAL

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THAT HE PREFERS THE AGREEMENT NOT BE PUBLICIZED. WE MAY PURSUE THIS FURTHER WITH THE MINISTER.

6. BECAUSE OF THE INTENSELY CROWDED SCHEDULE AND THE FACT THAT WE ARE FACING A FRIDAY DURING WHICH THE MINISTER WILL BE UNAVAILABLE, WE HAVE SCHEDULED THE SIGNING TENTATIVELY FOR 1700 HOURS LOCAL THURSDAY, FEBRUARY 13, 9AM WASHINGTON TIME. REQUEST NIACT IMMEDIATE AUTHORITY

TO GO AHEAD WITH SIGNING AT THIS TIME.

AKINS

NOTE BY OC/T: NOT PASSED SECRETARY'S PARTY.

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NNN

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Margaret P. Grafeld
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